

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN HARRIS,

Plaintiff, No. CIV 05-0003 ALA P

vs.

DR. KIM, et al.,

Defendants. ORDER

Plaintiff is a prisoner proceeding pro se and in forma pauperis pursuant to 28 U.S.C. §

1915. Before the court is Plaintiff's motion for leave to file an amended complaint.

The Federal Rules of Civil Procedure provide that a party may amend his or her pleading "once as a matter of course at any time before a responsive pleading is served." Fed. R. Civ. P. 15(a). However, an amended or supplemental complaint supersedes the original complaint. *See Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967). Once an amended pleading is filed, the original pleading no longer serves any function in the case. *Id.*; *see also* E.D. Local Rule 15-220.

Although the allegations of this pro se complaint are held to "less stringent standards than formal pleadings drafted by lawyers," *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam), Plaintiff will be required to comply with the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of California.

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1 Therefore, IT IS HEREBY ORDERED that Plaintiff's request for leave to file an
2 amended complaint is granted. Plaintiff shall submit an amended complaint within 35
3 days of this order.

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5 || DATED: September 21, 2007

/s/ Arthur L. Alarcón
UNITED STATES CIRCUIT JUDGE
Sitting by Designation